

1 WILLIAM C. LAST, JR. (State Bar No. 083588)
2 LAST & FAORO
3 520 S. El Camino Real, Suite 430
4 San Mateo, CA 94402-1754
5 Telephone: (650) 696-8350
6 Facsimile: (650) 696-8365
7 Emails: wclast@lastlawfirm.com

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Attorneys for Plaintiff
HELGE THEISS-NYLAND

CYNTHIA L. MELLEMA (State Bar No. 122798)
JEFFRY BUTLER (State Bar No. 180936)
CYNTHIA LIU (State Bar No. 263270)
SNR DENTON US LLP
2121 N. California Blvd., Suite 800
Walnut Creek, California 94596
Telephone: (925) 949-2600
Facsimile: (925) 949-2610
Emails: cynthia.mellema@sndenton.com
jeffry.butler@sndenton.com
cynthia.liu@sndenton.com

Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HELGE THEISS-NYLAND,

No. C 10-05075 WHA

Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND THE EARLY
NEUTRAL EVALUATION
COMPLETION DEADLINE**

vs.

ALLSTATE INSURANCE COMPANY
and DOES 1 through 20, inclusive,

Defendants.

1 Plaintiff Helge Theiss-Nyland and defendant Allstate Insurance Company, through their
2 respective counsel, enter into this stipulation based on the following facts:

3 A. Pursuant to the Court's February 10, 2011 scheduling order, the parties agreed to
4 participate in early neutral evaluation ("ENE") by May 11, 2011.

5 B. An ENE session is currently scheduled for May 4, 2011.

6 C. The primary issue in this case is the cause of the damage to the marine engine of
7 plaintiff's 42-foot Grand Banks Classic boat. Accordingly, at this time the
8 dispute is predominantly a factual, rather than, a legal dispute and dependent on
9 consultants with technical expertise.

10 D. Counsel has been working diligently to retain a suitable consultant and is
11 currently finalizing a retention agreement.

12 E. Due to counsel's and the consultant's schedules and potential metallurgy testing,
13 a physical inspection and testing cannot be completed prior to the current May
14 11, 2011 deadline.

15 F. The parties agree that a physical inspection of the engine and any destructive
16 testing should occur prior to the ENE session.

17 Based on these facts, the parties stipulate to extend the ENE completion date and
18 respectfully request that the Court extend the deadline for the parties to complete the ENE to July
19 31, 2011.

20 FILER'S ATTESTATION:

21 Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under
22 penalty of perjury that the concurrence in the filing of this document has been obtained from its

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 signatories.

2 Dated: April 20, 2011

3 By _____/s/ CYNTHIA LIU
4 CYNTHIA LIU

5 Respectfully Submitted,

6 Dated: April 20, 2011

7 LAST & FAORO

8 By _____/s/ WILLIAM C. LAST, JR.
9 WILLIAM C. LAST, JR.

10 Attorney for Plaintiff
11 HELGE THEISS-NYLAND

12 Dated: April 20, 2011

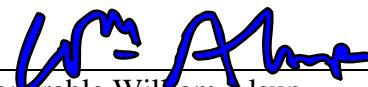
13 SNR DENTON US LLP

14 By _____/s/ CYNTHIA MELLEMA
15 CYNTHIA MELLEMA

16 Attorneys for Defendant
17 ALLSTATE INSURANCE COMPANY

18 IT IS SO ORDERED.*

19 Dated: April 21, 2011.

20 
21 Honorable William Alsup
22 U.S. District Court Judge

23 * **No more extensions will be granted for this deadline.**